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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,431	01/22/2001	Charles L. Jones	US20000181	9566

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EXAMINER

VIG, NARESH

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,431

Applicant(s)

JONES, CHARLES L.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to communication received 07 October 2005. Claims 1 – 22 are pending for examination:

In the office action mailed 16 August 2005, office requested the applicant and the assignee of the instant application to provide information on how the assignee Whirlpool established Kirkland Signature Appliances for Costco. In the response, applicant merely made a statement "Applicant believes that the invention covered in the above-referenced application is a novel concept that was developed by Applicant as a result of his expertise in the product design area and not as a result of improving upon previously developed concepts." There was no statement made whether the assignee believes the same as stated by the applicant.

Response to Arguments

In response to applicant's argument regarding claim 1 that cited reference Chrysler does not disclose a product that is produced and designed in response to a desired personality established by the consumer as is recited in the claims for this application.

However, applicant is arguing a limitation not positively claimed by the applicant.

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In response to applicant's argument that cited reference VMR does not teach or suggest the process of creating desired brand personalities with certain visual characteristics in a product as determined by the consumer as is claimed in the present application.

However, applicant is arguing a limitation not positively claimed by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Information on Diamler-Chrysler hereinafter known as Chrysler in view of an article "192-195 Chrysler Mini-Vans" hereinafter known as VMR.

Regarding claim 1, Chrysler teaches making products (automobiles) having visual characteristics and personalities [page 3].

Chrysler does not explicitly teach establishing a product personality for a product. However, Chrysler plurality of models with plurality of trim levels within the models. VMR teaches making products by establishing product personality (a box on wheels that maximized usable space and felt and drove like a car. That left Chrysler to

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introduce the now ubiquitous minivan, i.e. Chrysler introduced a new product with a different personality in their offering) [VMR, page 1], also VMR taught Chrysler produced new product for its plurality of Makes (i.e. Chrysler, Plymouth, Dodge) [VMR, page 2];

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chrysler as taught by VMR and establish product personality for a product to provide the products which a consumer will purchase.

Chrysler in view of VMR teaches:

correlating the product personality with a visual characteristic (e.g. minivan)

[Chrysler, page 5 – 19]; and

designing the product based on the correlation (e.g. Plymouth Voyager)

[Chrysler, 5 – 19].

Regarding claim 2, Chrysler in view of VMR teaches establishing at least one personality characteristic of the product (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country) [Chrysler, page 8 – 19].

Regarding claim 3, Chrysler in view of VMR teaches assigning at least one adjective to the personality characteristic (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country) [Chrysler, page 8 – 19].

Regarding claims 4 – 5, Chrysler in view of VMR teaches creating a perceptual map (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring have different characteristics manufactured with their specific perceptual map) [Chrysler, page 8 – 31].

Regarding claim 6, as responded to earlier, Chrysler in view of VMR teaches creating a map with a plurality of axes that are exclusive and differentiated (e.g. inherent that Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring have their own manufacturing specs) [page 8 – 31].

Regarding claim 7, Chrysler in view of VMR teaches selecting a configuration for at least a component of the product (e.g. inherent that Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring have their own manufacturing specs) [page 8 – 31].

Regarding claim 8, Chrysler in view of VMR teaches selecting a texture of at least a component of the product (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring have different configuration for different trim lines) [page 8 – 31].

Regarding claim 9, as responded to earlier, it is inherent that Chrysler in view of VMR teaches selecting an architecture of at least a component of the product (e.g.

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Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring)
[page 8 – 31].

Regarding claim 10, as responded to earlier, it is inherent that Chrysler in view of VMR teaches selecting a brand identifier of the product [page 15].

Regarding claim 11, Chrysler in view of VMR teaches brand identifier comprises a logo [page 15].

Regarding claim 12, as responded to earlier, it is inherent that Chrysler in view of VMR teaches establishing at least one personality characteristic of the product (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring) [page 8 – 31].

Regarding claim 13, as responded to earlier, it is inherent that Chrysler in view of VMR teaches assigning at least one adjective to the personal characteristic (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring are different vehicles for different clientele) [page 8 – 31].

Regarding claim 14, as responded to earlier, it is inherent that Chrysler in view of VMR teaches correlating the product personality with a perceptual map (e.g. Plymouth

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voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring manufactured following their manufacturing specs) [page 8 – 31].

Regarding claim 15, as responded to earlier, it is inherent that Chrysler in view of VMR teaches selecting a brand to create a brand identifier (e.g. Plymouth voyager, Dodge Caravan, Chrysler Town and Country, PT Cruiser, Sebring) [page 8 – 31].

Regarding claim 16, as responded to earlier, it is inherent that Chrysler in view of VMR teaches correlating the brand identifier with a predetermined appearance of at least a component of the product [page 3].

Regarding claim 17, as responded to earlier, Chrysler teaches making aesthetically pleasing product (automobiles) having visual characteristics and personalities [page 3].

Chrysler does not explicitly teach establishing a product personality for a product. However, Chrysler plurality of models with plurality of trim levels within the models. VMR teaches making products by establishing product personality (a box on wheels that maximized usable space and felt and drove like a car. That left Chrysler to introduce the now ubiquitous minivan, i.e. Chrysler introduced a new product with a different personality in their offering) [VMR, page 1], also VMR taught Chrysler produced new product for its plurality of Makes (i.e. Chrysler, Plymouth, Dodge) [VMR, page 2];

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chrysler as taught by VMR and establish product personality for a product to provide the products which a consumer will purchase.

Chrysler in view of VMR teaches [VMR page 1 – 5, Chrysler page 3 – 19]:
mapping customer perceptions of the brand personalities (Chrysler, Plymouth, Dodge brands to cater to different clientele of Chrysler);

correlating visual characteristics of the brand personalities to a desired brand (Chrysler, Plymouth, Dodge minivans);

determining visual characteristics of the desired brand; and

designing a product appearance in response to the visual characteristics of the desired brand (e.g. Plymouth Voyager has different look when compared to Chrysler and Dodge makes) [page 3 – 19].

correlating the product personality with a visual characteristic (e.g. minivan) [page 5 – 19]; and

designing the product based on the correlation (e.g. Plymouth Voyager, Chrysler Town & Country).

Regarding claim 18, as responded to earlier, Chrysler teaches creating brand equity in a product line (automobiles) having visual characteristics and personalities [page 3].

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assigning desired personality adjectives to a current brand (different trim lines within a model offered by Chrysler);

Chrysler does not explicitly teach establishing a product personality for a product. However, Chrysler plurality of models with plurality of trim levels within the models. VMR teaches making products by establishing product personality (a box on wheels that maximized usable space and felt and drove like a car. That left Chrysler to introduce the now ubiquitous minivan, i.e. Chrysler introduced a new product with a different personality in their offering) [VMR, page 1], also VMR taught Chrysler produced new product for its plurality of Makes (i.e. Chrysler, Plymouth, Dodge) [VMR, page 2];

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chrysler as taught by VMR and establish product personality for a product to provide the products which a consumer will purchase.

Chrysler in view of VMR teaches:

associating a plurality of images and a plurality of dominant personality traits to generate an association between the plurality of images with the plurality dominant personality traits (Chrysler, Plymouth, Dodge minivans have different personalities to differentiate each make);

correlating the association of the images and traits with the adjectives to generate an image adjective profile (Chrysler, Plymouth, Dodge minivans);

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creating a brand visual characteristic by plotting the association on a perceptual map (Chrysler, Plymouth, Dodge minivans); and

abstracting a design from the plot and the image adjective profile to create a brand visual identifier (Chrysler, Plymouth, Dodge minivans).

Regarding claim 19, Chrysler teaches series of appliances (automobiles).

Chrysler does not explicitly teach establishing a product personality for a product. However, Chrysler plurality of models with plurality of trim levels within the models. VMR teaches making products by establishing product personality (a box on wheels that maximized usable space and felt and drove like a car. That left Chrysler to introduce the now ubiquitous minivan, i.e. Chrysler introduced a new product with a different personality in their offering) [VMR, page 1], also VMR taught Chrysler produced new product for its plurality of Makes (i.e. Chrysler, Plymouth, Dodge) [VMR, page 2];

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chrysler as taught by VMR and establish product personality for a product to provide the products which a consumer will purchase.

Chrysler in view of VMR teaches:

a first appliance having an appearance with a visual characteristic correlated to a predetermined product personality (Chrysler, Vehicle Gallery); and a

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second, different appliance having an appearance with a similar visual characteristic correlated to the product personality (Chrysler, Vehicle Gallery).

Regarding claim 20, Chrysler in view of VMR teaches capability to be adapted to manufacture a freezer.

Regarding claim 21, Chrysler in view of VMR teaches capability to be adapted to manufacture a product with similar visual characteristic like door.

Regarding claim 22, Chrysler in view of VMR teaches capability to be adapted to manufacture a freezer.

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig
Examiner
Art Unit 3629

November 13, 2006